

House File 2662 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 616)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the automatic expiration of all
2 administrative rule adoptions, for their reauthorization by
3 the general assembly, and providing additional legislative
4 review.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 1 Section 1. Section 17A.4, subsection 1, paragraph a, Code
1 2 2005, is amended to read as follows:

1 3 a. Give notice of its intended action by submitting three
1 4 copies of the notice to the administrative rules coordinator,
1 5 who shall assign an ARC number to each rulemaking document and
1 6 forward two copies to the administrative code editor for
1 7 publication in the Iowa administrative bulletin created
1 8 pursuant to section 17A.6. The agency shall also submit a
1 9 copy of the notice to the speaker of the house of

1 10 representatives and the president of the senate who shall
1 11 refer the rules to the appropriate standing committees of the
1 12 general assembly for additional study. Any notice of intended
1 13 action shall be published at least thirty-five days in advance
1 14 of the action. The notice shall include a statement of either
1 15 the terms or substance of the intended action or a description
1 16 of the subjects and issues involved, and the time when, the
1 17 place where, and the manner in which interested persons may
1 18 present their views.

1 19 Sec. 2. Section 17A.5, subsection 1, Code 2005, is amended
1 20 to read as follows:

1 21 1. Each agency shall file in the office of the
1 22 administrative rules coordinator three certified copies of
1 23 each rule adopted by it. The administrative rules coordinator
1 24 shall assign an ARC number to each rulemaking document and
1 25 forward two copies to the administrative code editor. The
1 26 administrative rules coordinator shall keep a permanent
1 27 register of the rules open to public inspection. The agency
1 28 shall also submit a copy of the adopted rule to the speaker of
1 29 the house of representatives and the president of the senate
1 30 who shall refer the rule to the appropriate standing
1 31 committees of the general assembly for additional study.

1 32 Sec. 3. NEW SECTION. 17A.5A AUTOMATIC SUNSET AND
1 33 LEGISLATIVE REAUTHORIZATION.

1 34 1. Commencing July 1, 2007, each rule adoption shall
1 35 expire on June 30, at least one year following the initial
2 1 effective date of the rule adoption.

2 2 2. By the second Monday in January of each year each
2 3 agency shall prepare a listing of those rule adoptions which
2 4 will expire on June 30 and submit that list to the president
2 5 of the senate and the speaker of the house of representatives,
2 6 who shall refer the list to the appropriate standing
2 7 committees of the general assembly. A standing committee
2 8 shall review the list within twenty-one days after it is
2 9 referred to the committee by the speaker of the house of
2 10 representatives or the president of the senate and shall take
2 11 formal committee action by proposing legislation to extend the
2 12 effective date of some or all of the rule adoptions contained
2 13 on that list for an additional specified period or make the
2 14 rule adoption permanent.

2 15 3. Any rule adoption which has not had its effective date
2 16 extended as provided in subsection 2 is void the following

2 17 June 30 and the administrative code editor shall remove it
2 18 from the Iowa administrative code.

2 19 4. This section does not apply to rule adoptions by the
2 20 department of revenue, the state board of regents, or a
2 21 licensing board as described in section 272C.1, or any rule
2 22 adoption that is required by a federal law and that does not
2 23 exceed the minimum scope and intent of that federal law.

2 24 Sec. 4. Section 17A.6, subsection 3, unnumbered paragraph
2 25 2, Code 2005, is amended to read as follows:

2 26 The administrative code editor shall omit or cause to be
2 27 omitted from the Iowa administrative code any rule or portion
2 28 of a rule nullified by the general assembly pursuant to
2 29 Article III, section 40, of the Constitution of the State of
2 30 Iowa, and shall publish notice of such nullification in the
2 31 bulletin.

2 32 Sec. 5. NEW SECTION. 17A.8A LEGISLATIVE REVIEW OF RULES.

2 33 The standing committees of the house of representatives and
2 34 senate may review any administrative rule. If reviewed, the
2 35 standing committee reviewing the rule shall report to the
3 1 house of representatives or senate its findings and
3 2 recommendations concerning its review. If ordered by the
3 3 speaker of the house of representatives or the president of
3 4 the senate, the report of the committee shall be printed in
3 5 the journal.

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